

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : VAN DRIEL, Carel J.L.  
Serial No. : 10/780,473  
Filed : 02/17/2004  
Atty. Docket : N 016613A  
Group Art Unit : 2616  
Examiner : Raj K. Jain  
Conf. No. : 1391

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR 1.181(a) TO WITHDRAW  
HOLDING OF ABANDONMENT BASED ON FAILURE  
TO RECEIVE OFFICE COMMUNICATION**

Sir:

This Petition is submitted in response to the Notice of Abandonment that was mailed on October 12, 2006. A copy of the Notice is attached as Exhibit A. According to the Notice, U.S. Patent Application No. 10/780,473 was abandoned for failure to timely respond to the Office letter of August 3, 2006, within the statutory period of six months from its mailing date.

Applicant respectfully submits that a response to the Office letter was facsimile transmitted to the USPTO on September 5, 2006, with a Certificate of Transmission/Mailing. Please see Exhibit B attached herewith.


Enclosed herewith is a personal statement executed by Mark Woodall regarding the same. Please see Exhibit C.

Applicant further submits that an acknowledgment of Applicant's response, as facsimile transmitted to the USPTO, was received by Applicant's representative. According to the USPTO Auto-Reply Facsimile Transmission, Applicant's response was received on September 5, 2006. Please see Exhibit D attached herewith.

A diligent and sincere effort is made to clearly set out the facts and circumstances surrounding this matter. It is firmly believed that a sufficient showing is made for an immediate allowance of this Petition, as all elements of 37 CFR 1.8(b) have been satisfied in full. It is respectfully requested the response that was facsimile transmitted to the U.S. Patent and Trademark Office on September 5, 2006, be considered timely received, entered into the record, and the Notice of Abandonment be withdrawn

It is believed that no fee is due with this Petition. The Commissioner, however, is authorized to charge any fees, if applicable, associated with this application to Deposit Account No. 14-1270.

Respectfully submitted,

 /LARRY LIBERCHUK/  
Larry Liberchuk, Reg. No. 40,352  
Senior IP Counsel  
(914) 333-9602

Enclosures: Exhibit A: Copy of the Notice of Abandonment  
Exhibit B: Copy of Applicant's response facsimile transmitted to the USPTO on September 5, 2006  
Exhibit C: Declaration by Mark Woodall  
Exhibit D: Copy of the acknowledged receipt of Applicant's response according to the USPTO Auto-Reply Facsimile Transmission

# **EXHIBIT A**



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,473	02/17/2004	Carel J.L. Van Driel	PHN 16-613A	1391
24737	7590	10/12/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			JAIN, RAJ K	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

sf

<b>Notice of Abandonment</b>	Application No.	Applicant(s)	
	10/780,473	VAN DRIEL, CAREL J.L.	
	Examiner	Art Unit	
	Raj K. Jain	2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 03 August 2006.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
  
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
  
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
  
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
  
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
  
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
  
7. ☐ The reason(s) below:

  
**CHI PHAM**  
**SUPERVISORY PATENT EXAMINER**  
 12/10/06

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

# **EXHIBIT B**

TO:Auto-reply fax to 703 5199802 COMPANY:

## Auto-Reply Facsimile Transmission



TO:

Fax Sender at 703 5199802

Fax Information

Date Received:

9/5/2006 3:56:17 PM [Eastern Daylight Time]

Total Pages:

16 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page

=====&gt;

SEP-05-2006 15:55

KRAMER &amp; AMADO, P.C.

703 5199802 P.01



KRAMER | AMADO PC

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## Fax Memo

TO: Mark J. Appel, Brief Patent  
USPTO

FAX NO.: (571) 273-4308

FROM: Terry W. Kramer  
KRAMER & AMADO, P.C.

DATE: September 5, 2006

SUBJECT: U.S. Patent Application  
Title: COMMUNICATIONS NETWORK USING DIFFERENT  
TRANSMISSION PROPERTIES  
Serial No.: 10760,473  
Attorney Docket No.: FEN10-613A

PAGES: INCLUDING COVER PAGE (16)

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- Transmittal (1 page)
- Supplemental Appeal Brief (14 pages)

In the event that the fees submitted herewith are insufficient, please charge any remaining balance, or credit any overpayment, to our Deposit Account Number 50-0578.

\*\*\*\*\* -COMM. JOURNAL- \*\*\*\*\* DATE SEP-05-2006 \*\*\*\*\* TIME 15:58 \*\*\*\*\*

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FILE NO.=269

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-KRAMER & AMADO, P.C. -

\*\*\*\*\* - 703 5199802- \*\*\*\*\*



**KRAMER | AMADO P.C.**

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## Fax Memo

**TO:** Mail Stop Appeal Brief Patents  
USPTO

**FAX NO.:** (571) 273-3300

**FROM:** Terry W. Kramer  
KRAMER & AMADO, P.C.

**DATE:** September 5, 2006

**SUBJECT:** U.S. Patent Application  
Title: COMMUNICATIONS NETWORK USING DIFFERENT  
TRANSMISSION PROPERTIES  
Serial No.: 10/780,473  
Attorney Docket No.: PHN16-613A

**PAGES:** INCLUDING COVER PAGE (16)

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## **KRAMER | AMADO<sub>PC</sub>**

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# **Fax Memo**

**TO:** Mail Stop Appeal Brief Patents  
USPTO

**FAX NO.:** (571) 273-8300

**FROM:** Terry W. Kramer  
KRAMER & AMADO, P.C.

**DATE:** September 5, 2006

**SUBJECT:** U.S. Patent Application  
Title: COMMUNICATIONS NETWORK USING DIFFERENT  
TRANSMISSION PROPERTIES  
Serial No.: 10/780,473  
Attorney Docket No.: PHN16-613A

**PAGES:** INCLUDING COVER PAGE (16)

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- Supplemental Appeal Brief (14 pages)

In the event that the fees submitted herewith are insufficient, please charge any remaining balance, or credit any overpayment, to our Deposit Account Number 50-0578.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/780,473	
	Filing Date	February 17, 2004	
	First Named Inventor	Carel J.L. Van Driel	
	Art Unit	2616	
	Examiner Name	Jain, Raj K.	
Total Number of Pages in This Submission	15	Attorney Docket Number	PHN16-613A

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <div style="text-align: center; font-size: 1.2em;">Supplemental Appeal Brief</div>
<div style="border: 1px solid black; padding: 2px; min-height: 100px;">           Remarks         </div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Kramer & Amado, P.C.		
Signature	<i>Terry W. Kramer</i>		
Printed name	Terry W. Kramer		
Date	September 5, 2005	Reg. No.	41,541

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature	<i>Maira Anderson</i>	
Typed or printed name	Maira Anderson	Date
		9-5-06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**PATENT**

**IN THE UNITED STATE PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of:	:	Carel J.L. Van Driel
	:	
For:	:	COMMUNICATIONS NETWORK USING
	:	DIFFERENT TRANSMISSION
	:	PROPERTIES
	:	
Serial No.	:	10/780,473
	:	
Filed	:	February 17, 2004
	:	
Art Unit	:	2616
	:	
Examiner	:	Jain, Raj K.
	:	
Attorney Docket No.	:	PHN16-613A
	:	
Confirmation No.	:	1391

**SUPPLEMENTAL APPEAL BRIEF**

Mail Stop Appeal Brief Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed June 1, 2006, further to the Appeal Brief filed July 10, 2006, and in response to the Notification mailed August 3, 2006.

**I. REAL PARTY IN INTEREST**

The party in interest is the assignee, Koninklijke Philips Electronics, N.V. The assignment document is recorded at Reel 014993 and Frame 0473.

## **II. RELATED APPEALS AND INTERFERENCES**

Following are identified any prior or pending appeals, interferences or judicial proceedings, known to Appellant, Appellant's representative, or the Assignee, that may be related to, or which will directly affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal:

There are no related appeals and interferences.

## **III. STATUS OF CLAIMS**

This is an appeal from the final rejection dated April 3, 2006 of claims 11-16. No other claims are pending. No claims are allowed. Claims 1-10 are cancelled.

## **IV. STATUS OF AMENDMENTS**

All Amendments filed in this application has been entered. A correct copy of appealed claims 11-16, including all entered amendments thereto, appears in the attached Appendix.

## **V. SUMMARY OF CLAIMED SUBJECT MATTER**

A concise explanation of the subject matter recited in each independent claim on appeal, with citations referring to page and line number of the specification and Figure numbers and reference characters, is as follows.

Claim 11 pertains to a communication network (Fig. 1) with a plurality of secondary nodes (NT) being coupled to at least one primary node (NCN 3,12,15). This is shown in greater detail in Fig. 2 which depicts the secondary nodes (NT) including a transmitter for transmitting packets to the primary node (e.g. NCN 12) according to predetermined transmission properties, and a first address translator 6 for translating initial address information carried by packets received from at least one terminal device (e.g. 34, 36, 38, 46, 48) into address information carrying information about: (a) the predetermined transmission properties to be used for transmitting the associated packets, and (b) a destination node 12, the communication network further comprising a second address translator 10 for translating the address information back into the initial address information. See page 3, line 23 to page 5, line 34.

Claim 15 pertains to a destination node 12 for communication in a communication system having a plurality of source nodes (e.g. 46, 48) arranged for transmitting of packets containing initial address information whereby a source node (e.g. 46, 48) that is sending a packet performs a first address translation providing information within the packet header designating the address of the destination node, the destination node 12 arranged to perform a second address translation, translating the address of the destination node 12 back into the initial address information. See page 6, line 20 to page 7, line 31.

Claim 16 pertains to a communication method comprising transmitting packets according to predetermined transmission properties, translating initial address information carried by packets received from at least one terminal device into address information carrying information

about the transmission properties to be used for transmission of the packets (Fig. 3; page 6, lines 1 to 19), and translating said address information back into the initial address information at a destination node (Fig. 5; page 7, line 32 to page 8, line 22).

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

1. Claims 11 and 13-16 are rejected as allegedly being anticipated under 35 U.S.C. § 102(e) by U.S. Patent Number 6,026,086 to Lancelot.
2. Claim 12 is rejected as allegedly being unpatentable under 35 U.S.C. § 103(a) over Lancelot in view of U.S. Patent Number 5,802,063 to Deiss.

## **VII. ARGUMENT**

### **1. 35 U.S.C. § 102(e)**

The Office Action rejects claims 11 and 13-16 under 35 U.S.C. § 102(e) as allegedly being anticipated by Lancelot. Applicant respectfully requests that this rejection be reversed because Lancelot does not disclose the subject matter according to the combinations recited in claims 11 and 13-16.

Lancelot discloses a circuit switched network interface for communication of a circuit switched network protocol signal; a packet-based network interface for communication of a packet-based network protocol signal; and a transceiver for the transmission and reception of a first protocol signal. A communications controller is coupled to the circuit switched network

interface, the packet-based network interface and the transceiver. The communications controller, through a set of program instructions and an inter-working function, inter-converts the first protocol signal with the circuit switched network protocol signal and inter-converts the first protocol signal with the packet-based network protocol signal. Lancelot's network has a primary node for translating data into a form suitable for transmission over a packet-based network, or over a circuit-based network. Lancelot's network also has a secondary node which transmits data to the primary node using a defined protocol, such as CACS (See Abstract, Col. 3, lines 45-60).

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if Lancelot does not disclose each and every element according to the combinations recited in the rejected claims, then Lancelot fails to anticipate the rejected claims. In that instance, the subject matter recited in the rejected claims is patentably distinct from Lancelot.

Claim 11 recites a communication network including "secondary nodes comprising a



transmitter for transmitting packets according to predetermined transmission properties; and a first address translator for translating initial address information carried by packets ... into address information carrying information about ... the predetermined transmission properties to be used for transmitting the associated packets.” Appellant respectfully asserts that Lancelot fails to disclose the translation of address information into information about the transmission properties to be used for transmission. Specifically, Lancelot fails to disclose the translation of initial address information carried by packets into information about the transmission properties to be used for transmitting the associated packets by a secondary node.

The primary nodes disclosed in Lancelot are able to transmit according to different transmission properties, i.e., packet-based vs. circuit-based. See col. 3, lines 45-67. However, Lancelot does not disclose that the secondary node is able to transmit according to predetermined transmission properties included within initial address information of packets. Accordingly, Lancelot does not disclose all of the subject matter according to the combinations recited in claim 11.

For at least the foregoing reasons, Applicant respectfully submits that claim 11 is allowable. Claims 13-14 depend upon allowable claim 11 and are also allowable at least by virtue of their dependency therefrom. Therefore, Appellant respectfully requests that the Board reverse the rejection of claims 11, 13, and 14 as being allegedly anticipated by Lancelot.

Claim 15 recites a “destination node for communication in a communication system having a plurality of source nodes arranged for transmitting of packets containing initial address information..., the destination node arranged to perform a second address translation, translating



the address of the destination node back into the initial address information.” Lancelot does not disclose translating the address of the destination node back into the initial address information. Lancelot provides reverse address resolution protocol (RARP) functionality, for the primary station (destination node) to determine whether a packet from a first secondary station is destined for another, second secondary station. However, Reverse Address Resolution Protocol (RARP) is a protocol used to resolve an IP address from a given hardware address. The primary station also translates IP addresses into hardware addresses of secondary stations. See col. 11, lines 20-30. Thus, the primary station merely translates IP addresses into hardware addresses, and vice versa.

Accordingly, Lancelot does not disclose all of the subject matter according to the combination recited in claim 15. Thus, for at least the foregoing reasons, Applicant respectfully requests that the Board reverse the rejection of claim 15 as allegedly being anticipated by Lancelot.

Claim 16 recites a “communication method comprising ... translating initial address information carried by packets received from at least one terminal device into address information carrying information about the transmission properties to be used for transmission of the packets.” Lancelot does not disclose the translation of address information from a terminal device into information about transmission properties. More specifically, Lancelot does not disclose the translation of initial address information carried by packets into information about the transmission properties to be used for transmitting the associated packets.

Thus, Applicant respectfully asserts that Lancelot does not disclose the subject matter according to the combination recited in claim 16. For at least the foregoing reasons, Applicant respectfully requests that the Board reverse the rejection of claim 16 as allegedly being anticipated by Lancelot.

2. 35 U.S.C. § 103(a)

Claim 12 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lancelot in view of Deiss. The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

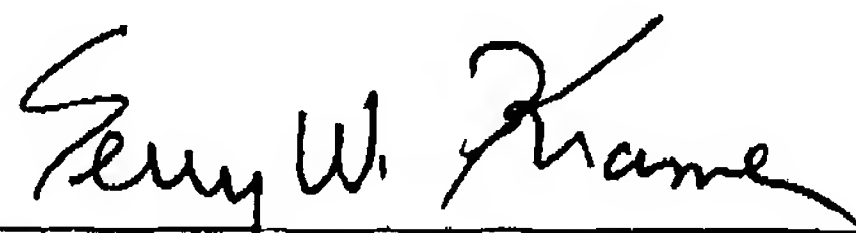
As detailed above in connection with the rejection of claim 11 under 35 U.S.C. § 102(e) as allegedly being anticipated by Lancelot, Applicant respectfully submits that claim 11 is not anticipated by Lancelot. Additionally, Applicant respectfully submits that Deiss fails to overcome the deficiencies in Lancelot described above in connection with the rejection of claim 11. Thus, Applicant respectfully submits that the Official Action correctly did not rely upon Deiss to make up for the deficiencies in Lancelot described above.

For at least the foregoing reasons, claim 12, which depends from claim 11, is allowable at least by virtue of its dependency therefrom. Thus, Applicant respectfully requests that the Board reverse the rejection of claim 12 as being unpatentable over Lancelot in view of Deiss.

3. Conclusion

For at least all of the reasons discussed above, Applicant respectfully submits that the rejections are in error and that claims 11-16 are in condition for allowance. Thus, for at least all of the above reasons, Appellant respectfully requests that this Honorable Board reverse the rejections of claims 11-16.

Respectfully submitted,  
KRAMER & AMADO, P.C.



Terry W. Kramer  
Reg. No. 41,541

DATE: September 5, 2006

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**DIRECT ALL CORRESPONDENCE TO:**

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US PHILIPS CORPORATION  
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Phone: (914) 333-9602  
Fax: (914) 332- 0615

## **VIII. CLAIMS APPENDIX**

### **CLAIMS INVOLVED IN THE APPEAL:**

11. Communication network comprising a plurality of secondary nodes being coupled to at least one primary node,
- the secondary nodes comprising:
- a transmitter for transmitting packets to the primary node according to predetermined transmission properties; and
- a first address translator for translating initial address information carried by packets received from at least one terminal device into address information carrying information about:
- (a) the predetermined transmission properties to be used for transmitting the associated packets, and
- (b) a destination node;
- the communication network further comprising a second address translator for translating the address information back into the initial address information.
12. A communication network as claimed in Claim 11, comprising a selector for selecting packets according to address information in their header, the transmitter transmitting the packets with the transmission properties dependent on the selection performed by the selector.

13. A communication network as claimed in Claim 11, wherein the primary node comprises the second address translator.

14. A communication network as claimed in Claim 11, the communication network comprising a cross connect for passing packets from the secondary nodes to an outside network, wherein the second address translator is arranged for translating the address information before the packets are applied to the cross connect.

15. A destination node for communication in a communication system having a plurality of source nodes arranged for transmitting of packets containing initial address information whereby a source node that is sending a packet performs a first address translation providing information within the packet header designating the address of the destination node, the destination node arranged to perform a second address translation, translating the address of the destination node back into the initial address information.

16. A communication method comprising transmitting packets according to predetermined transmission properties, translating initial address information carried by packets received from at least one terminal device into address information carrying information about the transmission properties to be used for transmission of the packets, and translating said address information back into the initial address information at a destination node.

**IX. EVIDENCE APPENDIX**

A copy of the following evidence 1) entered by the Examiner, including a statement setting forth where in the record the evidence was entered by the Examiner, 2) relied upon by the Appellant in the appeal, and/or 3) relied upon by the Examiner as to the grounds of rejection to be reviewed on appeal, is attached:

NONE.

**X. RELATED PROCEEDINGS APPENDIX**

Copies of relevant decisions in prior or pending appeals, interferences or judicial proceedings, known to Appellant, Appellant's representative, or the Assignee, that may be related to, or which will directly affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal are attached:

NONE



# **EXHIBIT C**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : VAN DRIEL, Carel J.L.  
Serial No. : 10/780,473  
Filed : 02/17/2004  
Atty. Docket : N 016613A  
Group Art Unit : 2616  
Examiner : JAIN, Raj K.  
Conf. No. : 1391

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


**DECLARATION**

Sir:

I, Mark Woodall, have been working as a Senior Associate Attorney at the law firm of Kramer & Amado, P.C. at least since September 5, 2006. I hereby attest that I personally had a supplemental appeal brief, prepared by Terry W. Kramer in response to the Notification of Non-Compliant Appeal Brief of August 3, 2006, facsimile transmitted by my administrative assistant to the USPTO on September 5, 2006, and received an auto-reply facsimile transmission from the USPTO acknowledging receipt of this transmission.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: Jan. 2, 2007  
January 2, 2007

  
\_\_\_\_\_  
Mark Woodall

# **EXHIBIT D**

TO:Auto-reply fax to 703 5199802 COMPANY:

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## Fax Memo

**TO:** Mark Samp Appeal Brief Filings  
USPTO

**FAX NO.:** (571) 273-8300

**FROM:** Terry W. Kramer  
KRAMER & AMADO, P.C.

**DATE:** September 5, 2006

**SUBJECT:** U.S. Patent Application  
Title: COMMUNICATIONS NETWORK USING DIFFERENT  
TRANSMISSION PROPERTIES  
Serial No.: 10/710,473  
Attorney Docket No.: PHN16-413A

**PAGES:** INCLUDING COVER PAGE (16)

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**Message:** Submitted herewith are the following:

- Transmittal (1 page)
- Supplemental Appeal Brief (14 pages)

In the event that the fees submitted herewith are insufficient, please charge any remaining balance, or credit any overpayment, to our Deposit Account Number 50-0578.

PAGE 1/16 \* RCVD AT 050206 3:56:17 PM [Eastern Daylight Time] \* SVR:USPTO-EPXNF-02 \* CNG:2738300 \* CND:703 5199802 \* DURATION (min:ss):34:40